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Filing date: **01/14/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91181083
Party	Defendant Blue Moe Apparel Inc.
Correspondence Address	JAMES G. COPLIT GRIMES & BATTERSBY, LLP 488 MAIN AVE STE 3 NORWALK, CT 06851-1008 UNITED STATES coplit@gandb.com
Submission	Answer
Filer's Name	Susan M. Schlesinger
Filer's e-mail	schlesinger@gandb.com
Signature	/sms/
Date	01/14/2008
Attachments	Answer to Notice of Opposition INKSLINGERS 78908342.pdf (7 pages)(462965 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/908,342,
Published in the *Official Gazette* on August 7, 2007

-----	X	
	:	
Inkslingers, Inc.	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.: 91181083
	:	
Blue Moe Apparel, Inc.	:	
	:	
Applicant.	:	
-----	X	

APPLICANT'S ANSWER TO
NOTICE OF OPPOSITION

Applicant, Blue Moe Apparel, Inc., by and through its attorneys, Grimes & Battersby, LLP, hereby answers the Notice of Opposition. Unless expressly admitted, all allegations in the Notice of Opposition are hereby denied.

1. Applicant is without knowledge or information sufficient to either admit or deny the allegations in paragraph 1, and therefore, denies those allegations and leaves Opposer to its proof.

2. Applicant is without knowledge or information sufficient to either admit or deny the allegations in paragraph 2, and therefore, denies those allegations and leaves Opposer to its proof.

3. Applicant denies that Opposer has rights in or to International Class 25 of U.S. Registration No. 3,069,617 inasmuch as all the right, title, interest and goodwill in and to all of the goods listed in International Class 25 of U.S. Registration No. 3,069,617 were assigned by

the Opposer to Applicant. Such assignment was duly recorded with the U.S. Patent and Trademark Office on June 22, 2006. A true and correct copy of a printout from the U.S. Patent and Trademark Office website evidencing such assignment is attached hereto as Exhibit A. Accordingly, Applicant is the owner of all right, title, interest and goodwill in and to U.S. Registration No. 3,069,617 in International Class 25. Applicant is otherwise without knowledge or information sufficient to either admit or deny the remaining allegations in paragraph 3, and therefore, denies those allegations and leaves Opposer to its proof.

4. Applicant is without knowledge or information sufficient to either admit or deny the allegations in paragraph 4, and therefore, denies those allegations and leaves Opposer to its proof.

5. Applicant admits that it seeks registration of INKSLINGERS as a mark in International Class 18 for: “All-purpose athletic bags; all-purpose sports bags; attaché cases; backpacks; beach bags; beach umbrellas; belt pouches; billfolds; book bags; briefcases; business cases; business card cases; camping bags for use as luggage; canes; carry-on bags; coin purses; cosmetic cases sold empty; duffel bags; fanny packs; garment bags for travels; gym bags; handbags; key cases; knapsacks; leather key chains; luggage; luggage tags; men's clutches; purses; saddle bags; satchels; school bags; textile shopping bags; shoulder bags; sports bags; suitcases; toiletry bags sold empty; tool bags sold empty; tote bags; travel bags; trunks; umbrellas; waist packs; and wallets,” but Applicant denies that such goods are identical or closely related to the goods and services allegedly used and/or provided by Opposer. Applicant is otherwise without knowledge or information sufficient to either admit or deny the remaining allegations in paragraph 5, and therefore, denies those allegations and leaves Opposer to its proof.

6. Applicant admits that Applicant's INKSLINGERS mark is nearly identical to Opposer's INKSLINGERS mark in appearance and sound as to U.S. Trademark Registration No. 2,578,393. Applicant denies that Applicant's INKSLINGERS mark is nearly identical to Opposer's INKSLINGERS mark in appearance, sound, meaning and commercial impression as to U.S. Trademark Registration Nos. 2,668,372 and 3,069,617. Further, Applicant denies that Applicant's goods in trademark application, serial number 78/908,342 are identical or closely related to the goods and services allegedly used in connection with Opposer's INKSLINGERS mark. Applicant is otherwise without knowledge or information sufficient to either admit or deny the remaining allegations in paragraph 6, and therefore, denies those allegations and leaves Opposer to its proof.

7. Applicant denies the allegations in paragraph 7 and leaves Opposer to its proof.

8. Applicant denies the allegations in paragraph 8 and leaves Opposer to its proof.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition has failed to state a claim upon which relief can be granted.

2. Applicant reserves the right to establish that Opposer has abandoned its marks.

3. Applicant reserves the right to Petition to Cancel Opposer's U.S. Trademark Registration Nos. 2,668,372 and 2,578,393 and International Class 14 of U.S. Trademark Registration No. 3,069,617.

4. Upon information and belief, Opposer is barred by its acquiescence from seeking the relief allegedly requested because of entering into previous business relations with Applicant.

5. Opposer assigned all the right, title, interest and goodwill in and to International Class 25 from U.S. Trademark Registration No. 3,069,617 to Applicant.

6. Applicant reserves the right to establish that Opposer is not entitled to rely on priority dates for goods like Applicant's goods, earlier than Applicant's priority date with respect to the marks Opposer relies upon in its Notice of Opposition.

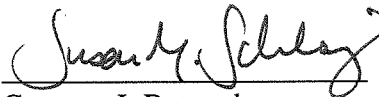
7. Applicant reserves the right to establish that Opposer has not properly used its marks in commerce in the United States.

8. Applicant reserves the right to assert any counterclaims and any additional affirmative defenses as may be become apparent during the course of discovery.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be denied in all respects.

Dated: January 14, 2008

Respectfully submitted,



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Attorney Docket No.: WENS002USL2

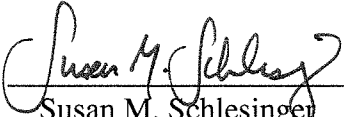
CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Applicant's Answer to Notice of Opposition was served on the Applicant on the date indicated below by depositing the same with U.S.P.S. First-Class Mail, postage prepaid, to:

Michael Jeziak
Inkslingers, Inc.
50080 Card Road
Macomb Township, MI 48044

and further certifies that the aforementioned Applicant's Answer to Notice of Opposition was filed with the Trademark Trial and Appeal Board on the date indicated below online through the ESTTA system of the United States Patent and Trademark Office.

Dated: January 14, 2008



Susan M. Schlesinger

EXHIBIT A



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [76299151](#)

Filing Dt: 08/09/2001

Reg #: [3069617](#)

Reg. Dt: 03/21/2006

Registrant: Inkslingers, Inc.

Mark: INKSLINGERS

Assignment: 1

Reel/Frame: [3336/0185](#)

Received: 06/22/2006

Recorded: 06/22/2006

Pages: 6

Conveyance: ASSIGNMENT OF THE ENTIRE INTEREST AND GOODWILL OF ALL OF THE GOODS IN CLASS 25 ONLY.

Assignor: [INKSLINGERS, INC.](#)

Exec Dt: 05/31/2006

Entity Type: CORPORATION

Citizenship: MICHIGAN

Entity Type: CORPORATION

Citizenship: NEW YORK

Assignee: [BLUE MOE APPAREL INC.](#)

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Search Results as of: 01/13/2008 01:10 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1
Web interface last modified: April 20, 2007 v.2.0.1

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